

APPROVED MARCH 22, 2006



**PLANNING COMMISSION
CITY OF SCOTTSDALE
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
MARCH 8, 2006**

STUDY SESSION MINUTES

PRESENT: Steve Steinberg, Chairman
James Heitel, Vice-Chairman
David Barnett, Commissioner
Eric Hess, Commissioner
Kevin O'Neill, Commissioner
Jeffrey Schwartz, Commissioner
Steven Steinke, Commissioner

STAFF PRESENT: Lusia Galav
Donna Bronski
Mac Cummins
Kira Wauwie
Tim Curtis
Sherry Scott
Frank Gray

1. **CALL TO ORDER**

The study session of the Scottsdale Planning Commission was called to order by Commissioner Schwartz at 4:05 p.m.

2. **ADMINISTRATIVE REPORT - LUSIA GALAV**

Ms. Galav presented a draft of the Memorandum containing Commissioners comments related to the powers and duties of the Planning Commission. She noted that the comments concerning the powers and duties of the Planning Commission must be relayed directly from Chairman Steinberg to the Mayor and Council. Ms. Galav asked that the Commission review the memo and indicate whether any changes are necessary.

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Commissioner Steinke acknowledged that he had not been present for some of the discussion, but felt that the key items had been addressed.

Commissioner Schwartz clarified that preliminary plats were brought up due to Commissioner concerns about seeing the way in which lot splits impact the area in which they are located. In response to Ms. Galav's request for confirmation, Commissioner Schwartz affirmed that the desire of the Commission is to review both preliminary plats and lot splits. Ms. Galav will add a request to review lot splits.

In response to a request for clarification by Vice-Chairman Heitel, Ms. Galav confirmed that a subdivision consists of three or more lots. She explained the current lot split process, which is currently done at the staff level. Ms. Galav cautioned that the proposal of bringing lot splits through the Planning Commission would require a text amendment and would add a significant amount of time to the process for the Applicant.

Commissioner Schwartz opined that making a request would send a message to City Council that the Planning Commission is concerned about how lot splits are being handled and their impact on the community. City Council can then decide how to proceed with the matter.

Commissioner Hess mentioned that the rationale for wanting to see the lot splits is to make a distinction between lots that are amidst other properties and ones which are in a neighborhood that has already been subdivided.

Commissioner Schwartz presented a hypothetical scenario regarding lot splits and questions from a legal standpoint, whereupon further discussion of the issue ensued.

Commissioners also discussed the possibility of conferring with City Council in joint study sessions on some cases.

Ms. Galav will revise the Memorandum based upon Commissioner's comments and provide Commissioners with a revised draft for review.

Commissioner Steinke suggested that the Commission's desire to confer with Council be conveyed in the communication, but not be listed as one of the powers or duties of the Planning Commission.

REVIEW OF MARCH 8, 2006 AGENDA

CONTINUANCES

2. 1-UP-2006 Tanners

This item is requested to be continued to April 19, 2006, because the Applicants have not notified properly.

3. 2-TA-2006 ESL Text Amendment

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Commissioner Schwartz requested that everyone who has an interest in the ESL Amendment or a stake in the area, be forwarded the information in enough time to review and respond to the information, in order to avoid last minute continuance requests.

4. 20-AB-2005 Colaric Abandonment

Ms. Galav advised that this item has been continued to a date to be determined because the parties are attempting to work out an agreement that is amenable to both parties before approaching the Planning Commission.

INITIATION

5. Non-conforming Standards Text Amendment (151-PA-2006): Request to initiate a text amendment to Article I. Administration and Procedures, Section 1.1300 Nonconforming Uses and Structures of the City of Scottsdale Zoning Ordinance (455).

Commissioner Barnett stated that after looking at some of the remodeling requirements with regard to the installation of fire systems, some of the requirements seem fairly onerous and others seemed fine. He asked how narrowly defined the text amendment would be. Ms. Wauwie explained that this particular proposal would only apply to those elements that are in the zoning ordinance; primarily at development standards. Many properties have buildings that extend over their setback lines and the current zoning ordinance requires that any portion of non-conformity be torn down when remodeling, even if the remodeling is to gain conformance.

In response to a question by Commissioner Barnett concerning how the building code would be updated, Ms. Wauwie stated that a building code revision would go through staff and be revised through City Council. Fire code revision would go through the Fire Department, staff, and City Council.

Commissioner Barnett inquired whether there was a Board oversight prior to code revisions going to staff and City Council. Ms. Bronski explained that the Building Advisory Board of Appeals reviews all revisions to model codes, updates, and adjustments done for the Scottsdale version of the model codes.

6. General Plan Amendment: Request to initiate a non-major General Plan Amendment for a text amendment to the Community Mobility Element in support of continuing light rail along the Scottsdale Road Corridor.

Ms. Galav stated that Transportation staff will give a full presentation of this item during the regular meeting.

In response to a comment by Commissioner Schwartz, Ms. Galav explained that there was no information in the packets because there is no background prior to an initiation.

In response to further comments by Commissioner Schwartz regarding the request for an initiation, Mr. Gray commented that his understanding of an initiation was that an item would be placed on the agenda to initiate a policy or a statement from the Commission. The Commission would then discuss what that statement should be. The Commission would vote on the decision, and the statement would be carried over to the correct place. He stated that in their presentation, the Transportation staff would explain where they are in their planning process and respond to questions from the Planning Commission. After the presentation, an item could be adopted or not adopted by the Planning Commission.

Commissioner Schwartz opined that an initiation should start the entire process and what staff was proposing was to develop an official response about updating the Master Plan; the Commission asked for an initiation.

Mr. Gray opined that the way to bring the item forward in a proper manner would be to discuss the item and create language that the Commission as a whole agreed to and initiate a change. Mr. Gray expressed that he would be happy to accommodate the Commission, if the Commission's preference is to conduct the process in a different way.

Chairman Steinberg expressed disappointment that the Commission was not given information to review prior to the meeting. Mr. Gray explained that there was no information to provide; the best staff could do is provide information in the form of a discussion.

Commissioner Schwartz argued that the Planning Commission had been clear about their expectations: The initiation was to update the Transportation Master Plan to allow light rail up Scottsdale Road to Skysong. He noted that he and Vice-Chairman Heitel had offered to review the information in order to ensure that staff had all of the information appropriate for the rest of the discussion. He stated that the Commission should have been presented with a document similar to the one presented for the non-conforming standards text amendment.

Mr. Gray opined that the item was stated precisely as Commissioner Schwartz had requested it be stated. He mentioned that the Transportation Master Plan is the purview of the Transportation Commission; the Planning Commission could initiate a change to the mobility element of the Comprehensive Plan. He reiterated that there would be a discussion, including where the Transportation Commission is in their process, discussion about the procedure the Planning Commission can use to amend the mobility element, and ways the Planning Commission and the Transportation Commission can work together to achieve their goal.

EXPEDITED AGENDA

7. 19-AB-2005

Smallwood Abandonment

Vice-Chairman Heitel requested that the item be pulled to the regular agenda, expressing concern about eliminating access into the Preserve by abandoning

the Pinnacle Vista portion and bringing the abandonment back to the west which would not allow potential access to the Preserve.

REGULAR AGENDA

8. 28-UP-2004 Next Bar & Nightclub

In response to an inquiry by Commissioner Hess concerning the reason the item was placed on the regular agenda, it was clarified that there was some public outcry; comments were included in the packet.

Mr. Cummins noted that an aerial view depicting the area was included in the packet, clarifying that proposed projects in the area are not depicted in the aerial. Staff will discuss area development during their presentation.

In response to a request by Commissioner Barnett, Mr. Cummins stated that locations of other bars in the area, along with statistical data on that portion of Downtown, will be addressed during the staff presentation.

9. 1-TA-2006 Conditional Use Permit Text Amendment for Private and Charter Schools

Addressing public speakers, Chairman Steinberg noted that the issues surrounding this agenda item do not pertain to anything of a religious nature; strictly to private and charter schools.

Commissioner Schwartz suggested that the item be moved to the consent agenda. Chairman Steinberg opined that although the Commission was in agreement about the distances and the numbers of the schools, the item would require discussion.

4. **REVIEW OF MARCH 22, 2006 TENTATIVE AGENDA**

Ms. Galav stated that 17-AB-2005, Windmill Ranch; 2-TA-2006, ESL Text Amendment; and 4-UP-2006, Mountainside Plaza M&I Bank are tentatively scheduled on the March 22, 2006 agenda.

5. **ADJOURNMENT**

With no further business to discuss, the study session adjourned at 4:52 p.m.

Respectfully submitted,
A/V Tronics, Inc.

APPROVED